



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2003-13**

July 10, 2003

Mr. Derek R. Hill
36 Brentwood Rd.
Fremont, NH 03044

RE: DES Wetlands File #2003-01047 36 Brentwood Rd, Fremont

Dear Mr. Hill,

On July 9, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Fremont Tax Map 2 as Lot 124 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

Approximately 2,260 square feet of jurisdictional wetlands have been filled on the above mentioned property without a permit from DES. Additionally, approximately 400 square feet of fill has been placed on abutting properties.

In response, you are requested to take the following actions

- 1) Within 15 days retain a qualified environmental professional to develop a plan to restore the impacted wetland area.
- 2) Within 20 days submit documentation to the DES Wetlands Bureau that a qualified environmental professional has been retained.

- 3) Within 60 days submit a restoration plan that includes the following:
- a. A plan with the dimensions, drawn to scale, indicating:
 - (1) Delineation of the wetlands prior to the filling; and
 - (2) Delineation of the existing conditions showing the extent of the filling;
 - b. A plan for the re-establishing of the wetlands to its original footprint
 - c. A proposed means for erosion and sediment controls
 - d. A proposed schedule and construction sequence listing equipment and methods for accomplishing the restoration no later than October 20, 2003
 - e. A proposed planting plan for the re-establishment of wetland vegetation
 - f. A proposed monitoring plan, including at least one restoration progress assessment report to be filed with DES after a full growing season

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Arlene Allen, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Letter of Deficiency
WET 2003-13
Page 3 of 3

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Ms. Arlene Allen at (603) 271-4192.

Sincerely,


COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7001 1940 0002 4872 1709

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Fremont Conservation Commission
Fremont Board of Selectmen
David Killoy, USACOE